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WALKER DIGITAL  
FIVE HIGH RIDGE PARK  
STAMFORD, CT 06905

EXAMINER

DURAN, ARTHUR D

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 04/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/540,214

Applicant(s)

WALKER ET AL.

Examiner

Arthur Duran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-96 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-96 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 9. 6) ☐ Other: \_\_\_\_\_

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### **DETAILED ACTION**

1. Claims 1-96 have been examined.

#### ***Response to Amendment***

2. The Amendment filed on 3/6/03 is insufficient to overcome the Scroggie reference.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-15, 17-21, 24-47, and 49-96 are rejected under 35 U.S.C. 102(e) as being unpatentable over Scroggie (5,970,469).

Claims 1, 70, 71, and 72: Scroggie discloses a system and method for providing shopping aids and incentives to customers through a computer network. Scroggie further discloses

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receiving an indication of at least one of a product category including at least two products or a service category including at least two services (col 2, lines 4-6), selecting one of said at least two products or said at least two services (col 2, lines 6-7), providing an indication of said selected one of said at least two products or said at least two services (col 2, lines 7-8), and arranging for a benefit to be provided based on a purchase of said selected one of said at least two products or said at least two services (col 3, lines 8-13).

Claims 2 and 30: Scroggie discloses a method as in claims 1 and 29, and further discloses that said indication of said selected one of said at least two products or said at least two services is provided to at least one of the following: a customer, a customer device, a retailer, retailer device, a seller, a seller device, or a controller (col 1, lines 49-51).

Claims 3 and 31: Scroggie discloses a method as in claims 1 and 29, and further discloses that said indication of said selected one of said at least two products or said at least two services is provided by at least one of the following: a customer, a customer device, a retailer, retailer device, a seller, a seller device, or a controller (col 1, lines 40-55).

Claims 4 and 32: Scroggie discloses a method as in claims 1 and 29, and further discloses that said indication of a product category including at least two products or a service category including at least two services is received by at least one of the following: a customer, a customer device, a retailer, retailer device, a seller, a seller device, or a controller (col 1, lines 40-55).

Claims 5 and 33: Scroggie discloses a method as in claims 1 and 29, and further discloses that said indication of a product category including at least two products or a service category including at least two services is received from at least one of the following: a customer, a

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customer device, a retailer, retailer device, a seller, a seller device, or a controller (col 1, lines 40-55).

Claims 6 and 34: Scroggie discloses a method as in claims 1 and 29, and further discloses that said indication of a product category including at least two products or a service category including at least two services is completed by at least one of the following: a customer, a customer device, a retailer, retailer device, a seller, a seller device, or a controller (col 1, lines 40-55).

Claim 7: Scroggie discloses a method as in claim 1, and further discloses providing an indication of said benefit (col 3, lines 4-13).

Claims 8 and 35: Scroggie discloses a method as in claims 7 and 29, and further discloses that said indication of said benefit is provided to at least one of the following: a customer, a customer device, a retailer, retailer device, a seller, a seller device, or a controller (col 3, lines 11-13).

Claims 9 and 36: Scroggie discloses a method as in claims 7 and 29, and further discloses that said indication of said benefit is provided by at least one of the following: a customer, a customer device, a retailer, retailer device, a seller, a seller device, or a controller (col 3, lines 15-18).

Claim 10: Scroggie discloses a method as in claim 1, and further discloses receiving an indication of a purchase of said selected one of said at least two product or said at least two services (col 12, lines 8-15).

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Claim 11: Scroggie discloses a method as in claim 10, and further discloses that said indication of a purchase is received from at least one of the following: a customer, a customer device, a retailer, retailer device, a seller, a seller device, or a controller (col 12, lines 8-15).

Claim 12: Scroggie discloses a method as in claim 10, and further discloses that said indication of a purchase is received by at least one of the following: a customer, a customer device, a retailer, retailer device, a seller, a seller device, or a controller (col 12, lines 8-15).

Claim 13: Scroggie discloses a method as in claim 1, and further discloses receiving a customer identifier (col 12, lines 14-19), determining a customer identifier (col 12, lines 25-33), determining a payment identifier (col 12, lines 18-22).

Claims 14 and 47: Scroggie discloses a method as in claims 1 and 43, and further discloses receiving a payment identifier (col 12, lines 18-22).

Claim 15: Scroggie discloses a method as in claim 14, and further discloses that said payment identifier is a customer identifier (col 12, lines 18-22).

Claim 17: Scroggie discloses a method as in claim 1, and further discloses receiving an indication of a retailer category, said retailer category including at least two retailers (col 2, lines 8-10 and col 2, lines 37-39).

Claim 18: Scroggie discloses a method as in claim 17, and further discloses selecting one of said at least two retailers; and providing an indication of said selected one of said at least two retailers (col 2, lines 56-58).

Claim 19: Scroggie discloses a method as in claim 18, and further discloses determining if said selected one of said at least two products or said at least two services has been purchased at said selected one of said at least two retailers (col 2, lines 59-65 and col 12, lines 8-15).

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Claim 20: Scroggie discloses a method as in claim 19, and further discloses that said providing an indication of a benefit occurs only if said selected one of said at least two products or at least two services has been purchased at said selected one of said at least two retailers (col 2, lines 59-65 and col 12, lines 8-15).

Claim 21: Scroggie discloses a method as in claim 1, and further discloses providing a benefit based on a purchase of said selected one of said at least two products or said at least two services (col 3, lines 4-13).

Claim 24: Scroggie discloses a method as in claim 1, and further discloses providing a list of at least one product category (col 2, lines 7-11), and providing a list of at least one service category (col 2, lines 13-20).

Claim 25: Scroggie discloses a method as in claim 1, and further discloses providing an indication of a price for said selected one of said at least two products or at least two services (col 13, lines 64-col 14, line 2 and col 18, lines 11-25).

Claim 26: Scroggie discloses a method as in claim 1, and further discloses determining a price for said selected one of said at least two products or at least two services (col 13, lines 64-col 14, line 2 and col 18, lines 11-25).

Claim 27: Scroggie discloses a method as in claim 1, and further discloses determining a condition of purchase said selected one of said at least two products or at least two services (col 2, lines 59-65 and col 12, lines 8-15).

Claim 28: Scroggie discloses a method as in claim 27, and further discloses providing an indication of said condition of purchase of said selected one of said at least two products or at least two services (col 2, lines 59-65 and col 12, lines 8-15).

Claims 29, 74, 75, and 76: Scroggie discloses a system and method for providing shopping aids and incentives to customers through a computer network. Scroggie further discloses receiving an indication of at least one of a product category including at least two products or a service category including at least two services (col 2, lines 4-6), selecting one of said at least two products or said at least two services (col 2, lines 6-7), providing an indication of said selected one of said at least two products or said at least two services (col 2, lines 7-8), and providing an indication of a benefit based on a purchase of said selected one of said at least two products or said at least two services (col 3, lines 4-13).

Claim 37: Scroggie discloses a system and method for providing shopping aids and incentives to customers through a computer network. Scroggie further discloses receiving an indication of at least one of a product category including at least two products or a service category including at least two services (col 2, lines 4-6), selecting one of said at least two products or said at least two services (col 2, lines 6-7), providing an indication of said selected one of said at least two products or said at least two services (col 2, lines 7-8), determining if said selected one of said at least two products or said at least two services has been purchased (col 2, lines 59-65 and col 12, lines 8-15), and providing an indication of a benefit if said selected one of said at least two products or at least two services has been purchased (col 2, lines 59-65; col 12, lines 8-15; and col 3, lines 8-13).

Claims 38, 78, 79, and 80: Scroggie discloses a system and method for providing shopping aids and incentives to customers through a computer network. Scroggie further discloses receiving an indication of at least one of a product category including at least two products or a service category including at least two services (col 2, lines 4-6), selecting one of



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said at least two products or said at least two services (col 2, lines 6-7), providing an indication of said selected one of said at least two products or said at least two services (col 2, lines 7-8), determining if said selected one of said at least two products or said at least two services has been purchased (col 2, lines 59-65 and col 12, lines 8-15), and arranging for a benefit to be provided based on a purchase of said selected one of said at least two products or said at least two services (col 3, lines 8-13).

Claim 39: Scroggie discloses a system and method for providing shopping aids and incentives to customers through a computer network. Scroggie further discloses receiving an indication of a product category, said product category including at least two products (col 2, lines 4-6), selecting one of said at least two products (col 2, lines 6-7), providing an indication of said selected one of said at least two products (col 2, lines 7-8), and providing an indication of a benefit based on a purchase of said selected one of said at least two products (col 2, lines 59-65; col 12, lines 8-15; and col 3, lines 8-13).

Claims 40, 82, 83, and 84: Scroggie discloses a system and method for providing shopping aids and incentives to customers through a computer network. Scroggie further discloses receiving an indication of a product category, said product category including at least two products (col 2, lines 4-6), selecting one of said at least two products (col 2, lines 6-7), providing an indication of said selected one of said at least two products (col 2, lines 7-8), determining if said selected one of said at least two products has been purchased (col 2, lines 59-65 and col 12, lines 8-15), and providing an indication of a benefit if said selected one of said at least two products has been purchased (col 2, lines 59-65; col 12, lines 8-15; and col 3, lines 8-13).

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Claim 41: Scroggie discloses a system and method for providing shopping aids and incentives to customers through a computer network. Scroggie further discloses receiving an indication of a service category, said service category including at least two services (col 2, lines 4-6; col 2, lines 13-20; and col 1, lines 25-35), selecting one of said at least two services (col 2, lines 6-7), providing an indication of said selected one of said at least two services (col 2, lines 7-8), and providing an indication of a benefit if said selected one of at least two services has been purchased (col 2, lines 59-65; col 12, lines 8-15; and col 3, lines 8-13).

Claim 42: Scroggie discloses a system and method for providing shopping aids and incentives to customers through a computer network. Scroggie further discloses receiving an indication of a service category, said service category including at least two services (col 2, lines 4-6; col 2, lines 13-20; and col 1, lines 25-35), selecting one of said at least two services (col 2, lines 6-7), providing an indication of said selected one of said at least two services (col 2, lines 7-8), determining if said selected one of said at least two services has been purchased (col 2, lines 59-65 and col 12, lines 8-15), and providing an indication of a benefit if said selected one of said at least two services has been purchased (col 2, lines 59-65; col 12, lines 8-15; and col 3, lines 8-13).

Claim 43: Scroggie discloses a system and method for providing shopping aids and incentives to customers through a computer network. Scroggie further discloses receiving an indication of a retailer category, said retailer category including at least two retailers (col 2, lines 8-10 and col 2, lines 37-39), selecting one of said at least two retailers and providing an indication of said selected one of said at least two retailers (col 2, lines 56-58), determining if said selected one of said at least two products or said at least two services has been purchased at

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said selected one of said at least two retailers (col 2, lines 59-65 and col 12, lines 8-15), and providing an indication of a benefit if a product or service has been purchased at said selected one of said at least two retailers (col 2, lines 59-65 and col 12, lines 8-15).

Claim 44: Scroggie discloses a method as in claim 43, and further discloses providing an indication of said selected one of said at least two retailers (col 2, lines 56-58).

Claim 45: Scroggie discloses a method as in claim 43, and further discloses receiving an indication of a purchase of a product or service at said selected one of said at least two retailers (col 2, lines 59-65 and col 12, lines 8-15).

Claim 46: Scroggie discloses a method as in claim 43, and further discloses receiving a customer identifier (col 12, lines 14-19).

Claim 49: Scroggie discloses a method as in claim 43, and further discloses receiving an indication of a product category, said product category including at least two products (col 2, lines 4-6).

Claim 50: Scroggie discloses a method as in claim 49, and further discloses selecting one of said at least two products (col 2, lines 6-7), providing an indication of said selected one of said at least two products (col 2, lines 7-8).

Claim 51: Scroggie discloses a method as in claim 50, and further discloses that providing an indication of a benefit occurs only if said selected one of said at least two products has been purchased at said selected one of said at least two retailers (col 2, lines 59-65 and col 12, lines 8-15).

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Claim 52: Scroggie discloses a method as in claim 49, and further discloses providing a benefit if a product based on a purchase of a product or service at said selected one of said at least two retailers (col 2, lines 59-65 and col 12, lines 8-15; and col 3, lines 8-13).

Claim 53: Scroggie discloses a method as in claim 49, and further discloses arranging for a benefit to be provided based on a purchase of a product or service at said selected one of said at least two retailers (col 2, lines 59-65; col 12, lines 8-15; and col 3, lines 8-13).

Claims 54, 94, 95, and 96: Scroggie discloses a system and method for providing shopping aids and incentives to customers through a computer network. Scroggie further discloses receiving an indication of a retailer category, said retailer category including at least two retailers (col 2, lines 8-10 and col 2, lines 37-39), selecting one of said at least two retailers and providing an indication of said selected one of said at least two retailers (col 2, lines 56-58), receiving an indication that a product or service has been purchased at said selected one of said at least two retailers (col 2, lines 59-65 and col 12, lines 8-15), and providing an indication of a benefit if a product or service has been purchased at said selected one of said at least two retailers (col 2, lines 59-65 and col 12, lines 8-15).

Claim 55: Scroggie discloses a system and method for providing shopping aids and incentives to customers through a computer network. Scroggie further discloses receiving an indication of at least one of a product category including at least two products (col 2, lines 4-6), selecting one of said at least two products (col 2, lines 6-7), providing an indication of said selected one of said at least two products (col 2, lines 7-8), and arranging for a benefit to be provided based on a purchase of said selected one of said at least two products (col 3, lines 8-13).

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Claim 56: Scroggie discloses a system and method for providing shopping aids and incentives to customers through a computer network. Scroggie further discloses receiving an indication of at least one of a product category including at least two products (col 2, lines 4-6), selecting one of said at least two products (col 2, lines 6-7), providing an indication of said selected one of said at least two products (col 2, lines 7-8), determining if said selected one of said at least two products has been purchased (col 2, lines 59-65 and col 12, lines 8-15), and arranging to provide a benefit if said selected one of said at least two products has been purchased (col 3, lines 8-13).

Claim 57: Scroggie discloses a system and method for providing shopping aids and incentives to customers through a computer network. Scroggie further discloses receiving an indication of a service category, said service category including at least two services (col 2, lines 4-6; col 2, lines 13-20; and col 1, lines 25-35), selecting one of said at least two services (col 2, lines 6-7), providing an indication of said selected one of said at least two services (col 2, lines 7-8), and arranging for a benefit to be provided based on a purchase of said selected one of said at least two services (col 3, lines 8-13).

Claim 58: Scroggie discloses a system and method for providing shopping aids and incentives to customers through a computer network. Scroggie further discloses receiving an indication of a service category, said service category including at least two services (col 2, lines 4-6; col 2, lines 13-20; and col 1, lines 25-35), selecting one of said at least two services (col 2, lines 6-7), providing an indication of said selected one of said at least two services (col 2, lines 7-8), determining if said selected one of said at least two services has been purchased (col 2, lines

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59-65 and col 12, lines 8-15), and arranging for a benefit to be provided based on a purchase of said selected one of said at least two services (col 3, lines 8-13).

Claims 59, 86, 87, and 88: Scroggie discloses a system and method for providing shopping aids and incentives to customers through a computer network. Scroggie further discloses receiving an indication of a retailer category, said retailer category including at least two retailers (col 2, lines 8-10 and col 2, lines 37-39), selecting one of said at least two retailers and providing an indication of said selected one of said at least two retailers (col 2, lines 56-58), determining if said selected one of said at least two products or said at least two services has been purchased at said selected one of said at least two retailers (col 2, lines 59-65 and col 12, lines 8-15), and arranging for a benefit to be provided based on a purchase of a product or service at said selected one of said at least two retailers (col 2, lines 59-65; col 12, lines 8-15; and col 3, lines 8-13).

Claim 60, 90, 91, and 92: Scroggie discloses a system and method for providing shopping aids and incentives to customers through a computer network. Scroggie further discloses receiving an indication of a retailer category, said retailer category including at least two retailers (col 2, lines 8-10 and col 2, lines 37-39), selecting one of said at least two retailers and providing an indication of said selected one of said at least two retailers (col 2, lines 56-58), receiving an indication of a purchase of a product or service at said selected one of said at least two retailers (col 2, lines 59-65 and col 12, lines 8-15), and arranging for a benefit to be provided based on a purchase of a product or service at said selected one of said at least two retailers (col 2, lines 59-65; col 12, lines 8-15; and col 3, lines 8-13).

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Claim 61: Scroggie discloses a system and method for providing shopping aids and incentives to customers through a computer network. Scroggie further discloses receiving an indication of a product category, said product category including at least two products (col 2, lines 4-6), selecting one of said at least two products (col 2, lines 6-7), providing an indication of said selected one of said at least two products (col 2, lines 7-8), and providing a benefit based on a purchase of said selected one of said at least two products (col 2, lines 59-65; col 12, lines 8-15; and col 3, lines 8-13).

Claim 62: Scroggie discloses a system and method for providing shopping aids and incentives to customers through a computer network. Scroggie further discloses receiving an indication of a product category, said product category including at least two products (col 2, lines 4-6), selecting one of said at least two products (col 2, lines 6-7), providing an indication of said selected one of said at least two products (col 2, lines 7-8), determining if said selected one of said at least two products has been purchased (col 2, lines 59-65 and col 12, lines 8-15), and providing a benefit if said selected one of said at least two products has been purchased (col 2, lines 59-65; col 12, lines 8-15; and col 3, lines 8-13).

Claim 63: Scroggie discloses a system and method for providing shopping aids and incentives to customers through a computer network. Scroggie further discloses receiving an indication of a service category, said service category including at least two services (col 2, lines 4-6; col 2, lines 13-20; and col 1, lines 25-35), selecting one of said at least two services (col 2, lines 6-7), providing an indication of said selected one of said at least two services (col 2, lines 7-8), and providing a benefit if said selected one of at least two services has been purchased (col 2, lines 59-65; col 12, lines 8-15; and col 3, lines 8-13).

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Claim 64: Scroggie discloses a system and method for providing shopping aids and incentives to customers through a computer network. Scroggie further discloses receiving an indication of a service category, said service category including at least two services (col 2, lines 4-6; col 2, lines 13-20; and col 1, lines 25-35), selecting one of said at least two services (col 2, lines 6-7), providing an indication of said selected one of said at least two services (col 2, lines 7-8), determining if said selected one of said at least two services has been purchased (col 2, lines 59-65 and col 12, lines 8-15), and providing a benefit if said selected one of said at least two services has been purchased (col 2, lines 59-65; col 12, lines 8-15; and col 3, lines 8-13).

Claim 65: Scroggie discloses a system and method for providing shopping aids and incentives to customers through a computer network. Scroggie further discloses providing an indication of a product category, said product category including at least two products (col 2, lines 4-6), receiving an indication of a selected one of said at least two products (col 2, lines 6-8), and receiving a benefit based on a purchase of said selected one of said at least two products (col 2, lines 59-65; col 12, lines 8-15; and col 3, lines 8-13).

Claim 66: Scroggie discloses a system and method for providing shopping aids and incentives to customers through a computer network. Scroggie further discloses providing an indication of a product category, said product category including at least two products (col 2, lines 4-6), receiving an indication of a selected one of said at least two products (col 2, lines 6-8), and receiving an indication of a benefit if said selected one of said at least two products has been purchased (col 2, lines 59-65; col 12, lines 8-15; and col 3, lines 8-13).

Claim 67: Scroggie discloses a system and method for providing shopping aids and incentives to customers through a computer network. Scroggie further discloses providing an



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indication of a service category, said service category including at least two services (col 2, lines 4-6; col 2, lines 13-20; and col 1, lines 25-35), receiving an indication of said selected one of said at least two services (col 2, lines 6-8), and receiving a benefit based on a purchase of said selected one of said at least two services (col 2, lines 59-65; col 12, lines 8-15; and col 3, lines 8-13).

Claim 68: Scroggie discloses a system and method for providing shopping aids and incentives to customers through a computer network. Scroggie further discloses providing an indication of a service category, said service category including at least two services (col 2, lines 4-6; col 2, lines 13-20; and col 1, lines 25-35), receiving an indication of said selected one of said at least two services (col 2, lines 6-8), and receiving an indication of a benefit if said selected one of said at least two services has been purchased (col 2, lines 59-65; col 12, lines 8-15; and col 3, lines 8-13).

Claim 69: Scroggie discloses a system and method for providing shopping aids and incentives to customers through a computer network. Scroggie further discloses a memory, a communication port, and a processor connected to said memory and said communications port (col 12, lines 18-22; Fig. 13; col 11, line 42-col 12, line 5; and col 1, lines 45-50), said processor being operative to: receive an indication of at least one of a product category including at least two products or a service category including at least two services (col 2, lines 4-6), select one of said at least two products or said at least two services (col 2, lines 6-7), provide an indication of said selected one of said at least two products or said at least two services (col 2, lines 7-8), and arrange for a benefit to be provided based on a purchase of said selected one of said at least two products or said at least two services (col 3, lines 8-13).

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Claim 73: Scroggie discloses a system and method for providing shopping aids and incentives to customers through a computer network. Scroggie further discloses a memory, a communication port, and a processor connected to said memory and said communications port (col 12, lines 18-22; Fig. 13; col 11, line 42-col 12, line 5; and col 1, lines 45-50), said processor being operative to: receive an indication of at least one of a product category including at least two products or a service category including at least two services (col 2, lines 4-6), select one of said at least two products or said at least two services (col 2, lines 6-7), provide an indication of said selected one of said at least two products or said at least two services (col 2, lines 7-8), and provide an indication of a benefit based on a purchase of said selected one of said at least two products or said at least two services (col 3, lines 4-13).

Claim 77: Scroggie discloses a system and method for providing shopping aids and incentives to customers through a computer network. Scroggie further discloses a memory, a communication port, and a processor connected to said memory and said communications port (col 12, lines 18-22; Fig. 13; col 11, line 42-col 12, line 5; and col 1, lines 45-50), said processor being operative to: receive an indication of at least one of a product category including at least two products or a service category including at least two services (col 2, lines 4-6), select one of said at least two products or said at least two services (col 2, lines 6-7), provide an indication of said selected one of said at least two products or said at least two services (col 2, lines 7-8), determine if said selected one of said at least two products or said at least two services has been purchased (col 2, lines 59-65 and col 12, lines 8-15), and arrange for a benefit to be provided based on a purchase of said selected one of said at least two products or said at least two services (col 3, lines 8-13).

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Claim 81: Scroggie discloses a system and method for providing shopping aids and incentives to customers through a computer network. Scroggie further discloses a memory, a communication port, and a processor connected to said memory and said communications port (col 12, lines 18-22; Fig. 13; col 11, line 42-col 12, line 5; and col 1, lines 45-50), said processor being operative to: receive an indication of at least one of a product category including at least two products or a service category including at least two services (col 2, lines 4-6), select one of said at least two products or said at least two services (col 2, lines 6-7), provide an indication of said selected one of said at least two products or said at least two services (col 2, lines 7-8), determine if said selected one of said at least two products or said at least two services has been purchased (col 2, lines 59-65 and col 12, lines 8-15), and provide an indication of a benefit based on a purchase of said selected one of said at least two products or said at least two services (col 3, lines 4-13).

Claim 85: Scroggie discloses a system and method for providing shopping aids and incentives to customers through a computer network. Scroggie further discloses a memory, a communication port, and a processor connected to said memory and said communications port (col 12, lines 18-22; Fig. 13; col 11, line 42-col 12, line 5; and col 1, lines 45-50), said processor being operative to: receive an indication of a retailer category, said retailer category including at least two retailers (col 2, lines 8-10 and col 2, lines 37-39), select one of said at least two retailers and providing an indication of said selected one of said at least two retailers (col 2, lines 56-58), determine if said selected one of said at least two products or said at least two services has been purchased at said selected one of said at least two retailers (col 2, lines 59-65 and col 12, lines 8-15), and arranging for a benefit to be provided based on a purchase of a product or service at said

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selected one of said at least two retailers (col 2, lines 59-65; col 12, lines 8-15; and col 3, lines 8-13).

Claim 89: Scroggie discloses a system and method for providing shopping aids and incentives to customers through a computer network. Scroggie further discloses a memory, a communication port, and a processor connected to said memory and said communications port (col 12, lines 18-22; Fig. 13; col 11, line 42-col 12, line 5; and col 1, lines 45-50), said processor being operative to: receive an indication of a retailer category, said retailer category including at least two retailers (col 2, lines 8-10 and col 2, lines 37-39), select one of said at least two retailers and providing an indication of said selected one of said at least two retailers (col 2, lines 56-58), receiving an indication of a purchase of a product or service at said selected one of said at least two retailers (col 2, lines 59-65 and col 12, lines 8-15), and arranging for a benefit to be provided based on a purchase of a product or service at said selected one of said at least two retailers (col 2, lines 59-65; col 12, lines 8-15; and col 3, lines 8-13).

Claim 93: Scroggie discloses a system and method for providing shopping aids and incentives to customers through a computer network. Scroggie further discloses a memory, a communication port, and a processor connected to said memory and said communications port (col 12, lines 18-22; Fig. 13; col 11, line 42-col 12, line 5; and col 1, lines 45-50), said processor being operative to: receive an indication of a retailer category, said retailer category including at least two retailers (col 2, lines 8-10 and col 2, lines 37-39), select one of said at least two retailers and providing an indication of said selected one of said at least two retailers (col 2, lines 56-58), receiving an indication of a purchase of a product or service at said selected one of said at least two retailers (col 2, lines 59-65 and col 12, lines 8-15), and provide an indication of a benefit if a

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product or service has been purchased at said selected one of said at least two retailers (col 2, lines 59-65 and col 12, lines 8-15).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 16, 22, 23, and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scroggie (5,970,469) in view of Kanter (5,537,314).

Claims 16 and 48: Scroggie discloses a method as in claims 1 and 43. Scroggie does not explicitly disclose a penalty if the product is not purchased. However, Kanter discloses a referral recognition system for an incentive award program. Kanter further discloses a penalty for failing to purchase an item selected (col 10, lines 30-35). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add Kanter's penalty for failed purchases to Scroggie's transaction method. One would have been motivated to do this so that Scroggie can discourage purchases that are not possible.

Claim 22: Scroggie discloses a method as in claim 1. Scroggie does not explicitly disclose providing an indication of a penalty if the product is not purchased. However, Kanter discloses a referral recognition system for an incentive award program. Kanter further discloses a penalty for failing to purchase an item selected (col 10, lines 30-35). Therefore, it would have

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been obvious to one having ordinary skill in the art at the time the invention was made to add Kanter's penalty for failed purchases to Scroggies transaction method. One would have been motivated to do this so that Scroggie can discourage purchases that are not possible.

Claim 23: Scroggie discloses a method as in claim 1. Scroggie does not explicitly disclose arranging for a penalty if the product is not purchased. However, Kanter discloses a referral recognition system for an incentive award program. Kanter further discloses a penalty for failing to purchase an item selected (col 10, lines 30-35). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add Kanter's penalty for failed purchases to Scroggies transaction method. One would have been motivated to do this so that Scroggie can discourage purchases that are not possible.

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1-96 have been considered but are not considered persuasive.

Examiner notes that while specific references were made to the prior art, it is actually also the prior art in its entirety that is being referred to.

Applicant states in Amendment filed 3/6/03 that the features, "receiving an indication of at least one of a product category including at least two products or a service category including at least two services, selecting one of said at least two products or said at least two services" are not disclosed by Scroggie.

Applicant is reminded that prior art references are made to the Applicant's claims as written. The Applicant's claims makes no distinctions as to what person or group is doing the

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receiving, selecting, providing, arranging, etc. Hence, the Applicant's independent claims are broad in scope and open to much interpretation.

Scroggie discloses the customer receiving product categories organized by department and the customer selecting products in different departments (col 2, lines 7-13; col 6, lines 1-5).

Scroggie further discloses that different departments or product categories are presented to the user, and that the customer can select a product in the different categories (col 9, lines 1-15).

Scroggie further discloses the customer selecting a recipe from different meal plan lists, and the store transmitting to the customer a shopping list with selected products for each selected recipe along with appropriate incentives (col 2, lines 13-20; col 3, lines 39-55; col 6, lines 5-17).

Scroggie further discloses that the recipes are organized in different pages or sections (col 8, lines 62-67).

Scroggie further discloses that the incentives are organized in an index or by store, and that the customer then selects the incentives preferred (col 2, lines 38-43; col 6, lines 18-25).

Scroggie further discloses tracking the customer's favorite brand in a product category (col 4, lines 45-50).

Hence, in one aspect of Scroggie's disclosure, we have the manufacturer or store presenting an indication of specific product categories to the consumer. Then, the consumer selects products from the different categories.

In another aspect of Scroggie's disclosure, we have the consumer selecting recipes from different organized recipe sections or meal plan lists. Then, the manufacturer or store selects the specific items to fill out that recipe.

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In conclusion, Scroggie does disclose, "receiving an indication of at least one of a product category including at least two products or a service category including at least two services, selecting one of said at least two products or said at least two services".

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arthur Duran whose telephone number is (703)305-4687. The examiner can normally be reached on Mon- Fri, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (703)305-8469. The fax phone numbers for the



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organization where this application or proceeding is assigned are (703)872-9326 for regular communications and (703)872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-1113.

March 28, 2003

JAMES W. MYHAL  
Primary Examiner  
Art Unit 3622